

REMARKS

Applicants request reconsideration and allowance of the present application in view of the following remarks.

Claims 1, 3-9, 11-16, 18-35, and 37-44 are pending in the present application. Claims 1, 8, 16, 23, and 35 are the independent claims.

No claims have been amended by the present Request.

Initially, Applicants acknowledge with appreciation the indication that claims 23-30 and 34 are allowed. Applicants have not amended any of these claims and respectfully submit that claims 23-30 and 34 should remain allowed.

Claims 1-22, 31-33, and 35-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0101808 (Seo). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, that a monitor photo diode comprises a first gain for when a command is issued to output a preheating overpower to a laser diode and a second gain other than the first gain for when a command is issued to output a write or a read power to the laser diode.

Independent claim 8 recites, inter alia, that gain selector differentiates between when a first command is issued to output a preheating overpower to a laser diode and when a second command issued to output a write or a read power to the laser diode is issued, and issues a first gain when the first command is issued and a second gain when the second command is issued.

Independent claim 16 recites, inter alia, that first gain varies depending on whether a disk is a CD or a DVD, and a second gain varies depending on whether a first command is issued to output a preheating overpower to a laser diode or a second command is issued to output a write or a read power to the laser diode is issued.

Independent claim 35 recites, inter alia, that a detection unit receives an input signal corresponding to a type of optical signal to be output, selects an adjustment factor from a plurality of adjustment factors corresponding to the input signal, and adjusts the detected optical power signal according to the selected adjustment factor.

However, Applicants respectfully submit that Seo does not teach at least the aforementioned features of amended independent claims 1, 8, 16, and 35 for at least the reasons set forth below.

Seo teaches that a mark is formed with a power level determined based on a relationship between the mark to be recorded and the space between marks. Stated another way, power levels depend on data (marks) to be recorded. Seo does not teach determining power levels based on whether a preheating overpower signal or a write/read signal is received. Indeed, Seo is silent as to determining a power level based whether a laser diode is to be preheated.

The Office Action relies on TABLE 1 and paragraph [0051] of Seo to support its contention that Seo teaches the aforementioned features. (Office Action, pages 2, 3, 5, and 6). A review of those cited portions reveals, however, only that adaptive power control can be independently applied to different pulses of a multiple pulse train. These cited portions of Seo are silent as to a power level when a preheating overpower of a laser diode is called for. And, this silence is not surprising since Seo teaches that power levels are controlled based a correlation between a mark and the space between successive marks. Thus, the Office's contention us unsupported by Seo.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 8, 16, and 35 under 35 U.S.C. § 102 are respectfully requested.

In the event that the Office maintains this rejection, Applicants respectfully request, in the interest of compact prosecution, that the Office identify with some specificity support for the contention that Seo teaches determining a power level necessary for preheating.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants submit that this Request for Reconsideration After Final Rejection clearly places the subject application in condition for allowance. The arguments presented in the present Request (or their present articulation) were not earlier presented because Applicants believed that the prior Request placed the subject application in condition for allowance. Accordingly, entry of the instant Request as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicants believe that the present Request is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Request, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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